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FRANKLIN County Recorder IN
Recorded as Presented

ORDINANCE 2-2009

Donna A. Jones
Auditor Franklin County
AN ORDINANCE TO VACATE A PUBLIC WAY IN THE
TOWN OF OLDENBURG, COUNTY OF FRANKLIN, STATE OF INDIANA

Be it ordained by the by the Council for the Town of Oldenburg, Franklin County,

Indiana:

1. That the following public way is hereby vacated:

That part of Werner Street where it is between and contiguous with Lots Number Twenty-Three (23) and Twenty-Two (22) as designated and shown on the Plat of the Second Addition to Werner Subdivision situated in the Town of Oldenburg, Indiana, according to the Plat recorded September 25, 1980, in Large Plat Book B, at pages 65-66 of the records in the office of the Recorder of Franklin County, Indiana. The requested vacation is a part of Werner Street that is fifty (50) feet in width and One Hundred Ten (110) feet in length to the north of the intersection of Werner Street and Wasser Strasse (Water Street).

2. This Ordinance shall be in full force and effect from its passage.

Adopted and passed by the Council for the Town of Oldenburg, Franklin County,

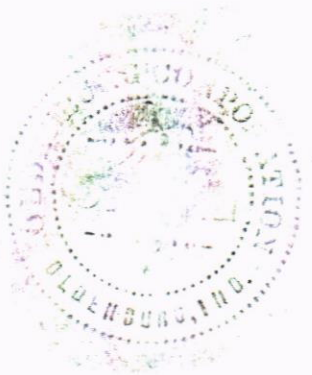
Indiana, this 5th day of January, 2009.

Town Council of Oldenburg

David R. Wahman
DAVID WAHMAN, President

Dennis Moeller
DENNIS MOELLER, Council Member

Greg Struewing
GREG STRUEWING, Council Member



ATTEST:
Cindy Laker
CINDY LAKER, Clerk-Treasurer

Auditor

FRANKLIN COUNTY COMMISSIONERS
ORDINANCE NO. 2009 - 08

FILED

JUL 13 2009

An Ordinance Revising and Replacing Ordinance No. 2003-08

Sharon A. Jones
Auditor Franklin County

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, that:

Ordinance No. 2003-08, Retail Food Establishment and/or Bed and Breakfast Establishment Ordinance, passed March 31, 2003 is hereby revised and replaced as follows:

The purpose of this Ordinance is to safeguard public health and assure that food provided to consumers is safe, unadulterated, and honestly presented. Definitions are established, as are standards for management and personnel, food operations, and equipment and facilities. Provision is also made for Retail Food Establishment and/or Bed and Breakfast Establishment plan reviews, permits, inspections, and employee restrictions.

Definitions of Bed and Breakfast Establishments, Conflict of Interest, County Health Department, County Official, Hazard Analysis Critical Control Point, Health Officer, Hearing Officer, Imminent Health Hazard, Inspection Report, Operator, Order, Permit, Person, Retail Food Establishment, and Temporary Food Establishment are defined by Indiana Administrative Code, and are adopted by reference.

The County Health Department is hereby authorized to issue Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment permits, collect permit fees, impose and collect penalties, perform inspections, hold hearings, order or otherwise compel compliance with this Ordinance and/or oversee corrections of violations of same, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, that:

SECTION A: PERMITS

General: It is unlawful for a person to operate any Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment in Franklin County, without first obtaining a valid permit from the Health Officer. The valid permit must be posted in a conspicuous location in the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment.

Only persons who comply with the applicable requirements of 401 IAC 7-15.5 and/or 410 IAC 7-24 will be entitled to obtain and keep a permit.

A separate permit shall be required for each Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment operated or to be operated by any person.

A permit issued under this ordinance is **NOT TRANSFERABLE**.

A Bed and Breakfast Establishment and/or Retail Food Establishment permitted by County Health Department shall be considered registered as required in IC 16-42-1-6.

Permit Period: A permit for a Bed and Breakfast Establishment and/or Retail Food Establishment shall be issued for a term of one (1) year beginning from the date of issuance and shall be renewed annually.

A permit for a Temporary Food Establishment shall be for the duration of one (1) event.

Permit Content: Any permit issued by the Health Officer shall contain:

1. the name and address of the person and/or owner to whom the permit is granted;
2. the location of the establishment for which the permit is issued;
3. the issuance and expiration date(s); and
4. other such pertinent data as may be required by the County Health Officer.

Responsibilities of the Operator: Upon acceptance of the permit issued by the County Health Department, the Operator in order to retain the permit shall:

1. Post the Permit in a location in the Bed and Breakfast Establishment and/or Retail Food Establishment that is conspicuous to consumers;
2. Comply with the provisions of this ordinance and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana State Department of Health;
3. Immediately discontinue affected operations and notify the County Health Department if an Imminent Health Hazard may exist;
4. Allow representatives of the County Health Department access to the Bed and Breakfast Establishment and/or Retail Food Establishment at all reasonable times;
5. Comply with directives of the County Health Department including time frames for corrective actions specified in Inspection Reports, notices, Orders, warnings, and other directives issued by the County Health Department in regard to the Operator's Bed and Breakfast Establishment and/or Retail Food Establishment or in response to community emergencies;
6. Accept notices issued and served by the County Health Department; and
7. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this ordinance or a directive of the County Health Department.

SECTION B: PERMIT FEES

It shall be unlawful for any person to operate a Bed and Breakfast Establishment, Retail

Food Establishment and/or Temporary Food Establishment in Franklin County, who has not paid the permit fee required to be paid by the operation of such establishment. The fee for a Retail Food Establishment or a Bed and Breakfast permit shall be paid for a term of one (1) year from the date of issuance and shall be renewed annually.

Fees:

1. Temporary Food Establishment permit fees shall be in the amount of \$20.00 per event.
2. Retail Food Establishment permit fees shall be in the amount of \$50.00 per year.
3. Bed and Breakfast permit fees shall be in the amount of \$50.00 per year.

A receipt for the payment of such fee shall be provided by the County Health Department if a valid Permit from the Health Officer is presented.

The payment of such fees shall be required for each Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment operated or to be operated by any person.

Failure to Pay Fees: An individual or entity who or which fails to pay fees established by this Section shall be assessed a fine not to exceed \$500.00.

Exemption to Permit Fees: An organization that is exempt from the Indiana Gross Income Tax under I.C. sections 602.1-3-20 through 6-2.1-3-22 shall be exempt from the fee requirements of this ordinance. The Health Officer shall be provided proof of an organization's tax exemption.

Payment of Fees not Transferrable or Refundable: The payment of fees under this Ordinance is not transferrable or refundable.

SECTION C: INSPECTION

Permanent Facility: The County Health Department may inspect a Bed and Breakfast Establishment and/or Retail Food Establishment at least once every six (6) months, or as circumstances may warrant.

Temporary Facility: the County Health Department may periodically inspect throughout its Permit period a Temporary Food Establishment that prepares, sells, or serves unpackaged potentially hazardous food and may inspect Temporary Food Establishment that prepares, sells or serves unpackaged non-potentially hazardous foods.

Access Allowed at Reasonable Times After Due Notice: After the County Health Department presents official credentials and provides notice of the purpose of and the intent to conduct an inspection, the Operator shall allow the County Health Department to determine if the Bed and Breakfast Establishment and/or Retail Food Establishment, is in compliance with this ordinance by allowing access to the establishment, allowing inspection, and providing information and records specified in this ordinance. The County Health Department is entitled the information and records according to IC 16-42-1-13 and IC 16-42-5-23, during the Bed and

Breakfast Establishment and/or Retail Food Establishment's hours of operation and other reasonable times.

Access is a condition of the acceptance and retention of a food establishment permit to operate.

If access is denied, and Order issued by the appropriate authority allowing access may be obtained according to law. (See IC 16-20-1-26).

SECTION D: COMPLIANCE AND ENFORCEMENT

Permit Suspension: The County Health Department, by the County Health Officer, may suspend a permit to operate a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment if it determines through inspection, or examination of employee, food, records, or other means as specified in this ordinance, that an Imminent Health Hazard exists.

Ceasing Operation and Contacting the County Health Department: An Operator of a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment shall immediately discontinue operations and notify the County Health Department if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food borne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

An operator need not discontinue operations in an area of an establishment that is unaffected by the Imminent Health Hazard.

Resuming Operation: If a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment has discontinued operations for the reasons stated above or otherwise according to law, the Operation must obtain approval from the County Health Department before resuming operations.

Enforcement Options: The following options are available to County Health Department for consideration:

1. Issuance of civil penalties with fines assessed based on violation of the Retail Food Establishment and/or Bed and Breakfast Establishment requirements. (IC 16-42-5-28(g) and IC 33-6-3-1).
2. Conduct administrative proceedings for suspension and/or revocation of the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment Permit in front of a Hearing Officer.
3. The County Health Officer may issue an "Order to Abate" based on a condition that may transmit, generate, or promote disease. Failure on the part of the Operator to comply with the order may result in the enforcement of the order in the Court of jurisdiction by the initiation of an action by the County Attorney or County Prosecuting Attorney. (IC 16-20-1-25).

4. If the action concerning public health is an ordinance violation, request the County Attorney or County Prosecuting Attorney to institute a proceeding in the courts for the enforcement of the ordinance violation. (IC 34-28-5-1).

5. If the action concerning public health is a criminal offense, request the County Attorney or County Prosecuting Attorney to institute a proceeding in the Court for enforcement. (IC 16-20-1-25 c).

Civil Penalties: The Indiana State Department of Health has adopted a schedule of Civil Penalties, the same being set forth in 410 IAC 7-23, and this Ordinance adopts such schedule, or any subsequent schedule, by reference.

In the event of repeat offenses that do not warrant suspension or cessation the County Health Officer may impose a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation per day.

SECTION E: APPEALS SECTION

A. Any person(s) aggrieved by Orders issued under the Enforcement Options 1-5 Section D above shall be entitled to a review of the final order before a Hearing Officer by filing a written request therefore with the Health Officer (Secretary of the County Board of Health). The written request must be mailed to the County Health Officer at Franklin County Government Center, 1010 Franklin Avenue, Brookville, Indiana 47012, and must be received within fifteen (15) days after such final order is issued.

B. Upon the Health Officer receipt of such request, the Hearing Officer shall hear the matter again in an open hearing after at least five (5) days written notice of the time, place and nature thereof. The time shall be measured pursuant to the rules of court of the jurisdiction. A shorter period of time may be granted, if requested by either party and agreed upon.

C. The notice of the hearing shall be served upon the person requesting the review by leaving or mailing by Certified Mail the notice to the address listed on the permit application as the person's mailing address or such other address, as the person shall designate in the letter of request to the Health Officer.

D. At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Hearing Officer.

E. The Hearing Officer shall make written findings of fact and shall enter its final order or determination of this matter in writing.

SECTION F: UNCONSTITUTIONALLY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

SECTION G: REPEAL AND EFFECTIVE DATE

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

PASSED, ORDAINED AND ADOPTED by the Board of County Commissioners of Franklin County, Indiana this 13th day of July, 2009.

Board of County Commissioners
of Franklin County, Indiana:

EM

Thomas E. Wilkey

Donald M. Mendenhall

Attest:

Susan A. Jones
AUDITOR, FRANKLIN COUNTY

FRANKLIN COUNTY COMMISSIONERS
ORDINANCE NO. 2009 - 12

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07/28/2009 10:23:45A 2 PGS
PAMELA K BENEKER
FRANKLIN County Recorder IN
Recorded as Presented

AMENDED ORDINANCE REGULATING THE USE OF FIREWORKS

The Board of County Commissioners of Franklin County, Indiana, having adopted an Ordinance Regulating the Use of Fireworks on August 27, 2007, Ordinance No. 2007-15, and having determined that said Ordinance needs to be amended as to permitted times of using special fireworks, and further providing for a means of permitting the use of special fireworks outside of approved hours, now Ordains as follows:


1. Fireworks, as defined by I.C. 22-11-14-1, are any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of common fireworks and special fireworks, and the following items are excluded from the definition of fireworks:
 - a. Model rockets;
 - b. Toy pistol caps;
 - c. Emergency signal flares;
 - d. Matches;
 - e. Fixed ammunition for firearms;
 - f. Ammunition components intended for use in firearms, muzzle loading cannons or small arms;
 - g. Shells, cartridges and primers for use in firearms, muzzle loading cannons or small arms;
 - h. Indoor pyrotechnics special effects material.
2. Common fireworks include those ground devices containing 50 milligrams or less of explosive composition and areal devices containing 130 milligrams or less of explosive composition. Included in the definition of fireworks are:
 - a. Ground and hand-held sparkling devices, which include dipped-stick, certain wire sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
 - b. Areal devices, which include sky rockets, missile-type rockets, helicopter or areal spinners, roman candles, mines, and shells;
 - c. Ground audible devices, including firecrackers, salutes, and chasers;
 - d. Firework devices containing combinations of any two (2) or more of the effects described in the preceding three (3) clauses.
3. Special Fireworks include firecrackers containing more than 130 milligrams of explosive composition, areal shells containing more than 40 grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as common fireworks.
4. Consumer fireworks are either common fireworks or special fireworks, and the use of special fireworks shall be limited as follows:
 - a. Between the hours of 5:00 o'clock p.m. and 11:00 o'clock ~~p~~.m. on June

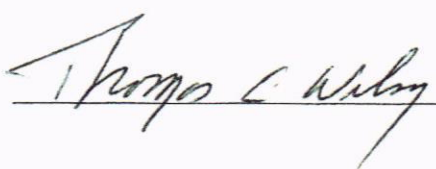
29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

- b. Between the hours of 10:00 o'clock a.m. and 12:00 o'clock midnight on July 4; and between the hours of 10:00 o'clock a.m. on December 31 and 1:00 o'clock a.m. on January 1.
- 5. Any person or entity seeking to use special fireworks except as provided in Paragraph #4 above, must make a request for such usage in writing to the Board of County Commissioners at least forty-five (45) days prior to such usage, specifying the types of special fireworks to be used, the place such fireworks would be used, and the times of such usage.
- 6. This Ordinance maybe enforced by any Law Enforcement Officer within Franklin County; violations of this Ordinance shall be punishable by a fine not to exceed Five Hundred (\$500.00.) Dollars.

PASSED, ORDAINED AND ADOPTED by the Board of County Commissioners of Franklin County, Indiana this 27th day of July, 2009.

Board of County Commissioners
of Franklin County, Indiana:





Attest:



AUDITOR, FRANKLIN COUNTY

Ordinance No. 2009-17

**AN ORDINANCE CREATING THE FRANKLIN COUNTY
E-911 / COMMUNICATIONS ADVISORY BOARD**

(A) There is created the Franklin County E-911 / Communications Advisory Board. The members of the Board are:

- (1) Franklin County Sheriff;
- (2) Brookville Police Chief or designee;
- (3) Brookville Fire Chief or designee;
- (4) A Fire Chief appointed by the Board of Commissioners after receiving a recommendation from the Fire Chiefs of the Franklin County Chiefs Association;
- (5) A Town Marshal appointed by the Board of Commissioners after receiving a recommendation from the Town Marshals;
- (6) President of the EMS Board of Directors or designee;
- (7) Emergency Management Director or designee;
- (8) A member of County Council selected by Council; and
- (9) The E-911 Director is a non-voting, ex-officio member.

(B) All members appointed by the Board of Commissioners serve until their successor is appointed.

(C) The Board shall elect one of its members to serve as President of the Board. The President shall serve a one-year term, but may be re-elected to subsequent terms.

(D) The Board shall meet at least quarterly and upon the call of the Board of Commissioners, the Director, or the Board President.

(E) The Board shall render its opinion on questions referred to it by the Board of Commissioners or the Director.

Adopted this 26th day of October, 2009.

Board of Commissioners
Franklin County, Indiana




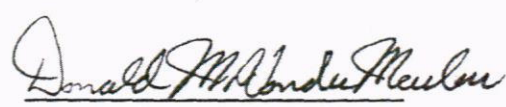
President

Attest:



Franklin County Auditor





Donald J. Henderson

auditor

FILED

DEC 08 2009

ORDINANCE 2009-19

James A. Jones
Auditor Franklin County

**AN ORDINANCE ADOPTING COUNTY OF FRANKLIN, INDIANA
JOB DESCRIPTIONS AND FAIR LABOR STANDARDS ACT (FLSA)**

WHEREAS the County of Franklin, Indiana is an Equal Opportunity Employer, and

WHEREAS it is the intent of Franklin County, Indiana to comply with applicable federal and State of Indiana employment laws and regulations, and

WHEREAS INDIANA CODE 36-2-5-3 provides that the county fiscal body shall fix the compensation of officers, deputies and other employees, and other employees whose compensation is payable from the county general fund, county highway fund, county health fund, county park and recreation fund, aviation fund, or any other fund from which the county auditor issues warrants for compensation. This includes the power to:

- (1) fix the number of officers, deputies and other employees;
- (2) describe and classify positions and services;
- (3) adopt schedules of compensation; and
- (4) hire or contract with persons to assist in the development of schedules of compensation; and

WHEREAS Franklin County contracted with a professional human resources consulting firm to prepare updated job descriptions and conduct a Fair Labor Standards Act (FLSA) audit,

NOW, THEREFORE it is ordained as follows:

SECTION 1: JOB DESCRIPTIONS

The attached set of job descriptions are adopted as the official job descriptions for all County positions and shall be on file in the Franklin County Auditor's office.

SECTION 2: FAIR LABOR STANDARDS ACT (FLSA)

The attached set of job descriptions specify the EXEMPT or NON-EXEMPT status of each position, and employees holding such positions shall be compensated according to state and federal wage and hour statutes.

SECTION 3: EMPLOYEE H1N1 COMPENSATION

The Franklin County Personnel Policy is hereby amended to allow exempt employees to receive additional compensation for occasional and sporadic work performed in the administration of H1N1 vaccinations; this amendment is limited to the administration of H1N1 vaccinations and is not extended for any other purpose.

EFFECTIVE DATE

This Ordinance shall be in full force and effect after its adoption by the Franklin County Council.

ADOPTED this 8th day of December, 2009.

FRANKLIN COUNTY COUNCIL

Bruce A. Schale
Kenneth J. Rosenberger
Jeff C. Korb

[Signature]
[Signature]
[Signature]

ATTEST

Susan Jones
Susan Jones, Auditor